if evidence of the unreasonableness of the old rate had been excluded at the hearing, or had been introduced and had been disregarded, the order would be void as based upon an inadequate or unfair hearing. See *Interstate Commerce Commission* v. *Louisville & Nashville R. R.*, *supra*. But in the principal case no evidence pro or con as to the reasonableness of the old rate was offered. See 13 RATE RESEARCH, 261; P. U. R. 1919 A 204. Where an existing rate is attacked, the burden is on the complainant to establish that it is unreasonable. *Louisville and Nashville Railroad* v. *United States*, 238 U. S. 1; *Louisville and Nashville Railroad* v. *Finn*, 235 U. S. 601. By the same reasoning, it would seem that in the principal case the commission was justified in assuming the old rate to be reasonable and in ordering an increase on the basis of the rise in operating expenses.

CONSTITUTIONAL LAW — PERSONAL RIGHTS: CIVIL, POLITICAL, AND RELIGIOUS — POWER OF THE STATE TO LEGISLATE IN FEDERAL MATTERS. — A state statute provided that all male residents of the state between the ages of eighteen and fifty-five, not in the national army, should be usefully employed, and that "every such person who shall not be so employed shall be subject to be assigned by the said council [of defense] to such employment as the said council shall from time to time determine and at such compensation as the said council and employer shall agree to be reasonable and proper." The statute made a refusal to work a misdemeanor. *Held*, that this statute is constitutional. *State* v. *McClure*, 105 Atl. 712 (Del.).

In time of peace, this statute would probably not be violative of the Thirteenth Amendment, since one could exercise his volition in the choice of and change of his occupation, although there are very few decisions upon involuntary servitude that are at all helpful. See *Peonage Cases*, 123 Fed. 671, 680; *Bailey* v. *Alabama*, 219 U. S. 219, 241. Although the question has never been decided, it is also probable that such a statute would not be held to deprive one of liberty without due process of law, nor deny to him the equal protection of the laws. See Felix Frankfurter, "Constitutional opinions of Justice Holmes," 29 HARV. L. REV. 683. Whatever might be true in time of peace, such an enactment by Congress in time of war would undoubtedly be constitutional. U. S. CONSTITUTION, Art. I, § 8; *Selective Draft Law Cases*, 245 U. S. 366. See Charles M. Hough, "Law in War Time — 1917," 31 HARV. L. REV. 692. The only other question is whether a state has power to pass such a statute in aid of the federal government. A state may exercise any power that is not taken from it expressly or by necessary implication. *Halter* v. *Nebraska*, 205 U. S. 34. Thus, it has been held that a state may legislate against the use of the United States flag for advertising purposes. *Halter* v. *Nebraska*, *supra*. And a state may pass laws in aid of interstate commerce, an admittedly federal matter. *Western Union Telegraph Co.* v. *James*, 162 U. S. 650; *Western Union Telegraph Co.* v. *Crovo*, 220 U. S. 364. The statute under consideration seems therefore to have been properly upheld.

CONSTITUTIONAL LAW — PRIVILEGES, IMMUNITIES, AND CLASS LEGISLATION — DENIAL TO ALIENS OF THE RIGHT TO MAINTAIN BILLIARD ROOMS. — An ordinance of Cincinnati required persons maintaining pool and billiard rooms to be licensed, and provided that no license be granted to a person who was not a citizen of the United States. *Held*, that the ordinance is constitutional. *State ex rel. Balli* v. *Carrell, auditor*, 124 N. E. 129 (Ohio).

Keeping public billiard rooms for hire is an occupation which the state may prohibit in the exercise of its police power. *Murphy* v. *People of California*, 225 U. S. 623. *A fortiori*, the state may require persons engaged in that occupation to be licensed. Aliens may be excluded from privileges of citizens when, as a class, they are the persons from whom the evil sought to be corrected is